

***United States Court of Appeals
for the Second Circuit***



APPELLEE'S BRIEF

1129
ORIGINAL

UNITED STATES COURT OF APPEALS

For The Second Circuit

74-1976

SIMON & FLYNN, INC.

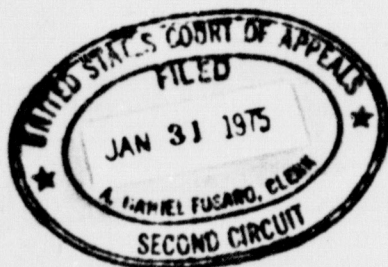
Plaintiff - Appellant

-against-

TIME INCORPORATED, TIME INCORPORATED BOOK CLUBS,
NEW YORK GRAPHIC SOCIETY, LTD., WALLYNN, INC.,
SPORTS ILLUSTRATED BOOK CLUB, COMMITMENT
PRODUCTIONS INC. OF NEW JERSEY, COMMITMENT
PRODUCTIONS, INC., AMERICAN EXPRESS, CHARLES
SCRIBNER'S SONS, DOUBLEDAY & COMPANY, INC.,
GEORGE L. FLYNN, JAMES J. WALSH, "JOHN DOE"
and "RICHARD ROE,"

Defendants-Appellees

BRIEF FOR DEFENDANTS-APPELLEES
WALLYNN, INC., COMMITMENT PRODUCTIONS
INC. OF NEW JERSEY, COMMITMENT PRO-
DUCTIONS, INC., GEORGE L. FLYNN and
JAMES J. WALSH



KURTZ & VASSALLO, P.C.
Attorneys for Defendants-
Appellees

WALLYNN, INC., COMMIT-
MENT PRODUCTIONS INC.
OF NEW JERSEY, COMMIT-
MENT PRODUCTIONS, INC.,
GEORGE L. FLYNN and
JAMES J. WALSH
598 Madison Avenue
New York, New York 10022

UNITED STATES COURT OF APPEALS
For The Second Circuit

Docket No. 74-1976

SIMON & FLYNN, INC.

Plaintiff-Appellant

-against-

TIME INCORPORATED, TIME INCORPORATED BOOK CLUBS,
NEW YORK GRAPHIC SOCIETY, LTD., WALLYNN, INC.,
SPORTS ILLUSTRATED BOOK CLUB, COMMITMENT
PRODUCTIONS INC. OF NEW JERSEY, COMMITMENT
PRODUCTIONS, INC., AMERICAN EXPRESS, CHARLES
SCRIBNER'S SONS, DOUBLEDAY & COMPANY, INC.,
GEORGE L. FLYNN, JAMES J. WALSH, "JOHN DOE"
and "RICHARD ROE,"

Defendants-Appellees

Defendants-Appellees Wallynn, Inc., Commitment
Productions Inc. of New Jersey, Commitment Productions,
Inc., George L. Flynn and James J. Walsh respectfully
adopt the arguments made by co-defendants Time Incorporated,
Time Incorporated Book Clubs, New York Graphic
Society, Ltd. and Charles Scribner's Sons, and submit
that the order and judgment of the Court below should

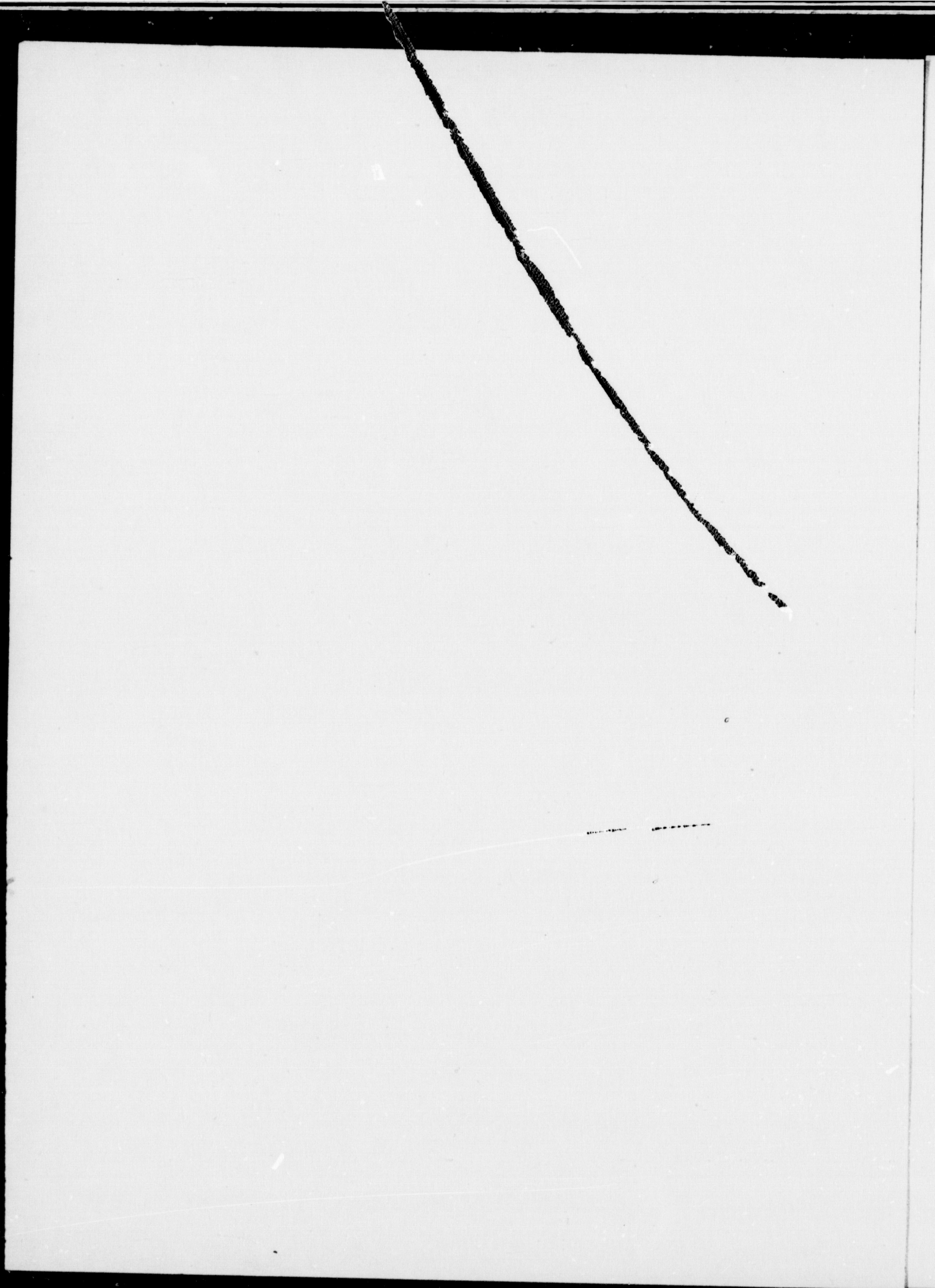
be affirmed in all respects.

Respectfully submitted,

KURTZ & VASSALLO, P.C.
Attorneys for Defendants-
Appellees

WALLYNN, INC., COMMIT-
MENT PRODUCTIONS INC.
OF NEW JERSEY, COMMIT-
MENT PRODUCTIONS, INC.,
GEORGE L. FLYNN and
JAMES J. WALSH

598 Madison Avenue
New York, New York 10022



SERVICE OF 2 COPIES OF THE WITHIN

Appellees Brief

IS HEREBY ADMITTED.

DATED: Jan. 18, 1975

Carolee James & Son

Attorney S for Time

JAN 28 PM 4:24

131

SERVICE OF 2 COPIES OF THE WITHIN

Appellees Brief

IS HEREBY ADMITTED.

DATED:

Sheldon H. [unclear]

Attorney for

11:50 AM
1-29-75

SERVICE OF 2 COPIES OF THE WITHIN

Appellees Brief

IS HEREBY ADMITTED.

DATED: Jan 29, 1975

Salvatore [unclear]

Attorney for D'Amico